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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/840,546

04/23/2001

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50P4369

3930

36738 7590 10/23/2007
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EXAMINER

AUSTIN, SHELTON W

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

10/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/840,546

Applicant(s)

KITSUKAWA ET AL.

Examiner

Shelton Austin

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 & 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-6 and 8-9 and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly (US 6,144,376) in view of Ward, III et al. (US 6,756,997).

Regarding claims 1, 2 and 11, Connelly teaches an electronic program guide for use in conjunction with an interactive television (Fig. 3B—Channel Guide), comprising:

at least one television channel listing (Fig. 3B—Show 1, Show 2, etc.);

at least one Web site channel listing (col. 4, lines 45-47), each web site channel listing correlated to its own dedicated virtual channel number (Fig. 3B—channel 9, channel 10); and

the electronic program guide including content from at least one Web server and at least one television signal source (a Web server and a television signal source are inherently present in Connelly in order to provide the television and Web content displayed on the program guide and available for selection by the user), wherein a user can choose a channel including a virtual channel by scrolling to the channel and toggling a selector element (col. 4, lines 52-67).

Connelly, however, fails to teach an information panel, the information panel displaying information relevant to a channel on the program guide, and information

about content on a channel including information about content on a virtual channel being displayed in the information panel as the user scrolls across the respective channel.

In analogous art, Ward, III et al. ("Ward") teaches an information panel (Fig. 1—information box 24), the information panel displaying information relevant to a channel on the program guide (Fig. 1—Prime Time Live detailed information in information box 24), and information about content on a channel including information about content on a virtual channel being displayed in the information panel as the user scrolls across the respective channel (col. 20, lines 13-23; col. 22, lines 16-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Connelly by including an information panel, the information panel displaying information relevant to a channel on the program guide, and information about content on a channel including information about content on a virtual channel being displayed in the information panel as the user scrolls across the respective channel, as taught by Ward, in order to provide the user with the ability to request detailed information from detailed specialized information guide/data services (Ward: col. 20, lines 10-13).

Regarding claims 3, 4, 12 and 13, Connelly teaches an electronic program guide button, the electronic program guide being displayed when the electronic program guide button is toggled (Fig. 6; col. 2, lines 22-28; col. 5, lines 1-13), and a remote

control unit (Fig. 3B—175), the remote control unit having the electronic program guide button (Fig. 6; col. 2, lines 22-28).

Regarding claims 5, 6, 14 and 15, Connelly teaches wherein the electronic program guide further comprises at least one virtual channel indicator, the virtual channel indicator being associated with a respective Web site listing and wherein a consumer can open communications with a Web site represented by a Web site listing by selecting the corresponding virtual channel indicator (col. 4, lines 45-67—channel number is “virtual channel indicator” and user may select channel number in order to open communications with a Web site).

Regarding claims 8 and 17, Connelly teaches wherein the electronic program guide includes content from at least one Web server (a Web server is inherently present in Connelly in order to provide the Web content displayed on the program guide and available for selection by the user).

Regarding claims 9 and 18, Connelly teaches wherein the electronic program guide further includes content from at least one television signal source (a television signal source is inherently present in Connelly in order to provide the television content displayed on the program guide and available for selection by the user).

Regarding claim 16, Connelly and Ward teach wherein the electronic program guide further comprises an information panel, the information panel displaying information to a channel on the program guide (Ward: Fig. 1— Prime Time Live detailed information in information box 24).

3. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly in view of Ward as applied to claims 2 and 11 above, and further in view of Klosterman et al. (US 6,469,753).

Regarding claims 10 and 19, Connelly fails to explicitly teach wherein the electronic program guide further includes content from at least one interactive television system server.

In analogous art, Klosterman et al. ("Klosterman") teaches the electronic program guide further includes content from at least one interactive television system server (distribution center 110 or provider 140—servers which generates and distributes the electronic program guide with interactive content).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Connelly and Ward by having the electronic program guide further include content from at least one interactive television system server, as taught by Klosterman, in order to provide on the program guide interactive displays (Klosterman: col. 1, lines 62-63).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelton Austin whose telephone number is (571) 272-9385. The examiner can normally be reached on Monday through Thursday from 8:00-5:30. The examiner can also be reached on Fridays from 9:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant, whose telephone number is (571) 272-7294, can be reached on Monday through Friday from 7:30-5:00. The supervisor can also be reached on alternate Fridays from 9:00-4:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shelton Austin

JASON SALCE
PRIMARY PATENT EXAMINER

